

OGC 74-0397

4 March 1974

MEMORANDUM FOR:

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SUBJECT: ICRC Subcommittee on Classification
Abuses

1. The ICRC Subcommittee on Classification Abuses met on 1 March 1974 and reached the following agreement.
2. The ICRC definition of classification abuses, which DOD objected to because it appeared too stringent for their reporting purposes, will be modified as follows. Any classification error involving discretion by an official authorized to classify, need not be reported as a classification abuse unless such errors are repeated and intentional. The test to be applied will be whether reasonable men could differ on the classification applied to a certain document.
3. The meeting was attended by representatives from DOD, State, AEC, Justice and CIA, as well as the Executive Director of the ICRC. The Department of Justice will draft a new definition of classification abuses and circulate it to the various agencies.

Assistant General Counsel

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✓cc: Chief, ISAS

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Question No. 1 - Monitoring of Classification Abuses

1. Procedures: Office of the Deputy Assistant Secretary for Security (A/SY)

A. One officer (GS-12) on the staff of the Deputy Assistant Secretary for Security spends approximately one hour each workday randomly reviewing incoming and outgoing Departmental correspondence for possible classification abuses. A representative sampling of telegraphic traffic handled by the Department's Office of Communications, and of other record material processed by the Department's Document and Reference Center, is reviewed for appropriateness of classification, assignment of declassification instructions and validity of authority to exempt material from the General Declassification Schedule. CRS

B. Approximately 66 Regional Security Officers (RSO) are assigned abroad to oversee the protection of classified information and material at all our foreign posts. They are responsible among other responsibilities for conducting a periodic security survey of posts within their geographic areas. Recently, Regional Security Officers have been furnished with a check list related

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to the requirements of Executive Order 11652 which is to be used in monitoring each post's compliance with the Order (Attachment A). The results of such inspections are reported by the RSO in his inspection reports and forwarded to the Department for appropriate action.

In addition to the procedures described above, strong emphasis has been placed on the prevention of abuses, and on the responsibility of approving officers for ensuring that correspondence carrying their approval complies with the Executive Order. On April 17, 1973, A/SY distributed a notice to all offices of the Department and to all Foreign Service posts which noted that "monitoring will be expanded to include the broader definition of classification abuses offered by the ICRC. In the future, classification abuses discovered by this monitoring procedure will be reported to the ICRC, together with the name of the violator. Personnel guilty of repeated classification abuses will be subject to appropriate administrative disciplinary action" (see attachment B). The

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Department has revised its telegram, airgram and operations memorandum formats to provide a pre-printed "E.O. 11652" line on all such documents. This reminds the originator of a classified document that he must enter on that line the General Declassification Schedule category or exemption category applicable and the date on which the document will be automatically declassified. In addition, the computers processing these documents read the "E.O. 11652" line to ensure that an appropriate declassification entry has been made.

- C. A/SY initially anticipated a more comprehensive monitoring and inspection program and requested allocation of additional positions for two officers and one secretary to conduct it. The Department's budgetary request for these positions was not approved by the Office of Management and Budget.

Two other elements of the Department have as a part of their functions the monitoring of Department papers with the aim of detecting and correcting classification and declassification abuses. Their efforts contribute to

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a lower rate of classification error across the Department and throughout the Foreign Service than would otherwise be the case. Although they are not reflected in the quarterly reports to the ICRC, their procedures are listed here for the Committee's information.

II. Procedures: Secretariat Staff (S/S-S)

- A. A major function of the Department's Secretariat Staff (S/S-S) is to review all papers prepared for the attention of a principal officer of the Department, all official Department communications with the NSC Staff, the Vice President's office and in certain instances with other Executive Branch agencies. In the course of reviewing memoranda and letters originating in the Department, Secretariat Staff officers note whether appropriate E.O. 11652 information is supplied on the original and record copies. If not, the reviewing officer consults the drafting officer and adds or corrects declassification information as necessary. Outgoing cables sent to S/S or originating in S/S are also reviewed and amendments made as needed during the clearance process. S/S also supplies overall

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classification for briefing books prepared in S/S-S, consulting as necessary with bureaus which have supplied component papers. Finally, the Secretariat Information section in processing papers for records storage refers any questions it has to a Secretariat Staff officer for resolution.

- B. The Secretariat Staff has held several meetings with bureau staff aides and issued a number of memoranda on the subject of the revised declassification procedures. The result has been an increasingly higher rate of paper entering the Secretariat with correct declassification information supplied (at this time, about ^{this is good??} 85%). In instances where such information has not been supplied or appears to be incomplete or inaccurate, the practice described above is applied. Over the next two years, techniques of programming will be developed to apply computer capability to effecting the declassification of documents which have been stored under the provisions of E.O. 11652.

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III. Procedures: Office of the Inspector General,
Foreign Service (S/IG)

- A. In accordance with S/IG's evaluation mandate, Inspectors are asked to insure that managers and individual subordinate employees at posts and in the Department are properly carrying out laws and regulations. With respect to E.O. 11652, the SY Inspection Questionnaire form that all inspected posts are required to complete contain three relevant questions:
1. Is a list of Top Secret, Secret and Confidential Original Classifying Authorities maintained by the post and submitted to the Office of Security on a quarterly basis (5 FAM 912.3)?
 2. Is material being exempted from the General Declassification Schedule only by an official with Top Secret Original Classifying Authority (5 FAM 924)?
 3. Is the post complying with A-905 dated January 31, 1973, which requires that the E.O. 11652 line be completed on all classified telegrams, airgrams and operations memoranda?

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B. In addition, sample reviews of classified documents at posts are also generally made in the course of inspections. Such reviews do not cover those records already retired to the U.S., i.e. normally documents more than 3 years old, except Iron Curtain countries, where their retirement is encouraged after one year.

Question No. 2 - Quarterly Summary Report

The sampling program used by the Department to prepare the Quarterly Summary Report is as follows:

Since July 1, 1973, Department telegrams have been recorded by computer, and our count of them thereafter has been actual.

Airgrams, memoranda of conversation and other documents are manually filed; and we have been taking an actual count of them for one week of each month and projecting the results for the quarter. Effective January 2, 1974, airgrams and other traffic will also be recorded by computer, so we will have an actual count for them beginning with the first quarterly report of 1974.

There are still some classified documents originated by the Department which are not currently sampled for

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inclusion in the Quarterly Summary Report. It is anticipated that a more comprehensive accounting of these documents will be possible with the continued development of the Department's computerized Data Index System.

Attachments:

Tab A - Security Survey Format: Compliance with
Executive Order 11652

Tab B - Department Notice on Classification Abuses
(E.O. 11652)